

IFW

Docket No. 428.1145

**UNITED STATES PATENT AND TRADEMARK OFFICE**

RECEIVED

Examiner: SZNAIDMAN, Marcos L. Art Unit: 1611

FEB 03 2009

OFFICE OF PETITIONS

Re: Application of: KIM, Myung-Hwa, et al.

Serial No.: 10/562,615

Filed: July 27, 2006

For: **TRICYCLIC DERIVATIVES OR  
PHARMACEUTICALLY SALTS THEREOF, THEIR  
PREPARATIONS AND PHARMACEUTICAL  
COMPOSITIONS CONTAINING THEM**

Confirmation No.: 6138

**NOTIFICATION OF ESTABLISHMENT OF SMALL ENTITY STATUS BY ERROR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

January 22, 2009

Sir:

A Small Entity status was established in good faith. It has now been discovered that such status as a Small Entity was established in error, and such Small Entity status is hereby withdrawn.


Payment is attached for the deficiencies between the amount of fees paid and the amount due:

The deficiency owed is calculated as shown below.

Type of Fee	Date Paid	Fee Paid	Current Fees	Remaining Fee
Filing fee	December 23, 2005	\$880.00	\$1,520.00	\$640.00
Missing Parts Fee with a one-month extension	July 24, 2006	\$125.00	\$260.00	\$135.00
Total				\$775.00

A payment of \$775.00 is being charged to the undersigned's credit card. No further fee is believed to be due. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to deposit account 02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

Respectfully submitted,  
LUCAS & MERCANTI, LLP

By:   
Yun H. Choe, Ph.D.  
Reg. No. 61,798

LUCAS & MERCANTI, LLP  
475 Park Avenue South  
New York, New York 10016  
Phone: 212-661-8000  
Fax: 212-661-8002

CERTIFICATE OF ELECTRONIC TRANSMISSION  
I hereby certify that this document is being electronically  
transmitted to the Commissioner for Patents via  
EFS-Web on January 22, 2009.

LUCAS & MERCANTI, LLP

  
BY: Carla Curado

**Electronic Acknowledgement Receipt****RECEIVED**

FEB 03 2009

OFFICE OF PETITIONS

<b>EFS ID:</b>	4657832
<b>Application Number:</b>	10562615
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	6138
<b>Title of Invention:</b>	Tricyclic derivatives or pharmaceutically acceptable salts thereof, their preparations and pharmaceutical compositions containing them
<b>First Named Inventor/Applicant Name:</b>	Myung-Hwa Kim
<b>Customer Number:</b>	20311
<b>Filer:</b>	Michael Nicholas Mercanti
<b>Filer Authorized By:</b>	
<b>Attorney Docket Number:</b>	428.1145
<b>Receipt Date:</b>	22-JAN-2009
<b>Filing Date:</b>	27-JUL-2006
<b>Time Stamp:</b>	15:17:44
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

**Payment information:**

Submitted with Payment	no				
<b>File Listing:</b>					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	NotificationofEstablishment. pdf	44862 7a1429633ec73bac30da4d8857edf84cb4f3 ce1a	no	2
<b>Warnings:</b>					
<b>Information:</b>					

.2	Miscellaneous Incoming Letter	PTO2038.pdf	47475 575cf1a37d1cc3e72996acd8a72c6ca74e1706f5	no	1
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>					92337
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>          If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>          If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>          If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					